

AO 91 (Rev. 8/01) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## United States District Court

DEC 22 2019

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

Nereo Hernandez-Garcia

## CRIMINAL COMPLAINT

Case Number: M-19-3130-M

IAE YOB: 1981

Mexico

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 20, 2019 in Hidalgo County, in the Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to Mexico in pursuance of law, and thereafter was found near Los Ebanos, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Nereo Hernandez-Garcia was encountered by Border Patrol Agents near Los Ebaos, Texas on December 20, 2019. The investigating agent established that the defendant was an undocumented alien and requested record checks. The defendant claims to have illegally entered the United States on December 20, 2019, near Hidalgo, Texas. Record checks revealed the defendant was formally deported/excluded from the United States on June 1, 2019 through Del Rio, Texas. Prior to deportation/exclusion the defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On October 12, 2007 the defendant was convicted of Man/Del CS PG1 gt 200G lt 400G and sentenced to eight (8) years probation.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on December 22, 2019.

Continued on the attached sheet and made a part of this complaint:

☐ Yes ☒ No

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

/s/ Mickel Gonzalez  
Signature of Complainant

Mickel Gonzalez  
Printed Name of Complainant

December 22, 2019

4:18 p.m.

Date

Peter E Ormsby, U.S. Magistrate Judge

Name and Title of Judicial Officer

*Peter E Ormsby*  
Signature of Judicial Officer